

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	Case No.: 4:13CR00193-JAR
v.	)	
	)	
GABRIEL VLAD VOICULESCU,	)	
	)	
Defendant.	)	

**DEFENDANT'S MOTION TO SUPPRESS EVIDENCE AND STATEMENTS**

COMES NOW Defendant, Gabriel Vlad Voiculescu, by and through the undersigned counsel, and moves this Court to issue an Order suppressing as evidence any statements or writings made by Defendant, including, but not limited to, conversations overheard by agents of the Government, interviews with any federal agents, any state or local law enforcement agencies and any state or federal grand jury, recorded telephone conversations, and any physical evidence seized from the person or possession of this Defendant, including, but not limited to, the digital and electronic contents of two tablet computers, the digital and electronic contents of one camera, the digital and electronic contents of one cell phone, monitor, printer, a box of blank white plastic cards, an electronic document shredder and all of its contents, shredded driver's licenses/ID cards, printing plates, cutting board, laminating film, Exacto knife, can of aerosol spray, cash, and any other items not yet known, and as grounds for this motion states:

1. On April 23, 2013 and April 24, 2013, Defendant allegedly made statements to law enforcement officers. Any statements, oral or written, made by this Defendant were elicited by coercion and without the Defendant being advised of and afforded his rights under the Fifth Amendment of the United States Constitution and said statements are therefore involuntary and inadmissible.

2. Any statements, oral or written, made by this Defendant were elicited as a result of an illegal arrest and are therefore inadmissible.

3. Any testimony or other evidence relating to or based upon said statements were obtained as a direct result of the violation of Defendant's rights under the Fifth Amendment, as aforesaid, and are therefore inadmissible.

4. On April 23, 2013 and April 24, 2013, law enforcement agents claim to have seized from Defendant's person or possession items including, but not limited to, the digital and electronic contents of two tablet computers, the digital and electronic contents of one camera, the digital and electronic contents of one cell phone, monitor, printer, a box of blank white plastic cards, an electronic document shredder and all of its contents, shredded driver's licenses/ID cards, printing plates, cutting board, laminating film, Exacto knife, can of aerosol spray, and cash. Any physical evidence seized from the person or possession of Defendant, or otherwise seized, was seized as a result of searches and other illegal intrusions into Defendant's person and property without a valid search warrant issued upon probable cause, and not pursuant to a lawful order or any other legal justification for the following reasons:

a. Any search warrant allegedly authorizing the search of Defendant's person or property was improperly issued, invalid on its face and not based upon probable cause;

b. Any arrest of Defendant was illegal in that it was not based upon a lawfully issued warrant or upon probable cause.

c. Any evidence obtained from Defendant, including but not limited to handwriting exemplars obtained in violation of Defendant's due process rights and his right to be free from being compelled to be a witness against himself.

Supporting authority will be provided after an evidentiary hearing at which time the circumstances of the instant case may be established.

**CERTIFICATION**

Counsel certifies that he has conferred with government counsel and believes that evidence may exist which is arguably subject to suppression.

Respectfully submitted,

/s/Steven V. Stenger  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 29<sup>th</sup> day of July, 2013, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all attorneys of records.

/s/Steven V. Stenger